

106TH CONGRESS
2D SESSION

H. R. 4547

To provide a waiver of certain nurse aide training requirements for specially trained individuals who perform certain specific nursing-related tasks in medicare and medicaid nursing facilities.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2000

Mr. RYAN of Wisconsin introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a waiver of certain nurse aide training requirements for specially trained individuals who perform certain specific nursing-related tasks in medicare and medicaid nursing facilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicare and Medicaid
5 Nursing Services Quality Improvement Act of 2000”.

1 **SEC. 2. WAIVER OF CERTAIN NURSE AIDE TRAINING RE-**
2 **QUIREMENTS FOR SPECIALLY TRAINED INDIV-**
3 **IDUALS WHO PERFORM NURSING-RELATED**
4 **TASKS IN MEDICARE AND MEDICAID NURS-**
5 **ING FACILITIES.**

6 (a) IN GENERAL.—For the five-year period beginning
7 on the date of enactment of this Act, an individual who
8 does not meet nurse aide training requirements (as de-
9 fined in subsection (e)(1)) may perform a specific nursing
10 task (as defined in subsection (e)(2)) for a resident of a
11 skilled nursing facility or a nursing facility covered under
12 the medicare or medicaid program under title XVIII or
13 XIX of the Social Security Act in a State if—

14 (1) the individual has successfully completed a
15 training and competency evaluation program, devel-
16 oped or approved by the State in which such facility
17 operates, relating to the performance of such task;

18 (2) the individual is performing the task under
19 the supervision of a registered professional nurse, li-
20 censed practical nurse, or licensed vocational nurse;

21 (3) the resident does not have special needs re-
22 lating to the performance of such task for which
23 needs the individual has not received specific train-
24 ing; and

1 (4) the individual complies with any limitations
2 on performance of duties which may be established
3 by the State in which such facility operates.

4 (b) CONSULTATION IN ESTABLISHMENT OF NEW
5 TRAINING PROGRAMS.—In the case of a training and com-
6 petency evaluation program described in subsection (a)(1)
7 not established as of the date of enactment of this Act,
8 such program shall be established in consultation with the
9 Secretary of Health and Human Services.

10 (c) MINIMUM STAFFING REQUIREMENTS NOT AF-
11 FECTED.—Individuals performing a specific nursing task
12 under this section shall not count toward any minimum
13 nursing staffing requirements of section 1818 or 1919 of
14 the Social Security Act (42 U.S.C. 1395i–3, 1396r).

15 (d) ANNUAL REPORT TO CONGRESS.—During the pe-
16 riod in which this section applies, the Secretary of Health
17 and Human Services shall submit an annual report pro-
18 viding an analysis comparing the well-being of residents
19 receiving specific nursing services performed by individ-
20 uals under this section with those receiving such services
21 performed by nurse aides. Such analysis shall employ
22 quality indicators determined by the Secretary, including
23 (with regard to specific nursing tasks related to providing
24 nutrition and hydration) nutrition and hydration levels,

1 unplanned weight loss or gain, and number of citations
2 for nutrition-related violations relating to such residents.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “nurse aide training require-
5 ments” means the requirements of sections
6 1819(b)(5)(F) and 1919(b)(5)(F) of the Social Se-
7 curity Act (42 U.S.C. 1395i–3(b)(5)(F) and
8 1396r(b)(5)(F)) relating to nurse aides.

9 (2) The term “nursing task” means a nursing
10 or nursing-related service described in section
11 1819(b)(5)(F) or 1919(b)(5)(F) of the Social Secu-
12 rity Act (42 U.S.C. 1395i–3(b)(5)(F),
13 1396r(b)(5)(F)).

14 (3) The term “State” has the meaning given
15 such term for purposes of title XIX of the Social Se-
16 curity Act.

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